

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE JUDICIARY
COMMITTEE

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SUBJECT: Strike everything amendment to S.B. 1510, relating juveniles; life sentence; parole

Purpose

Confers parole eligibility on certain prisoners who are serving life sentences for offenses committed as juveniles. Prohibits a person denied a pardon from applying again for at least five years under specified circumstances.

Background

The Board of Executive Clemency (Board) is responsible for making parole decisions for individuals who committed their offenses before January 1, 1994; Arizona's truth-in-sentencing laws abolished parole for offenses committed after that date, instead requiring the Arizona Department of Corrections (ADC) to release inmates who have met the truth-in-sentencing requirements directly to community supervision. For both groups of offenders, the Board determines whether to revoke parole or community supervision if they violate the terms of their release. Finally, the Board recommends clemency actions to the Governor, such as sentence, commutations, pardons and reprieves.

A person sentenced to life imprisonment with the possibility of release after serving a minimum number of years for an offense committed as a juvenile is eligible for parole on completion of the minimum sentence. The Board authorizes a person to be released on parole if the applicant has reached the applicant's earliest parole eligibility date and it appears to the Board that the applicant will remain at liberty without violating the law and release is in the state's best interests. Parole may be revoked if the parole clerk or Director of ADC or the Board has reasonable cause to believe that a paroled prisoner has violated his parole and has lapsed or is probably about to lapse into criminal ways or company.

A person who is denied a commutation of sentence recommendation by the Board cannot petition or be considered for such a recommendation by the Board for a period of five years if the offense involved first or second degree murder, serious physical injury and the person was sentenced as a dangerous offender, a dangerous crime against children or a felony sexual offense. Statute also allows the Board to lengthen the five-year period of time for a period of up to 10 years. If the offense involved first or second degree murder, the Board may lengthen the period of time to a period greater than 10 years.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Parole

1. Renders a person serving a sentence of life imprisonment without the possibility of release for an offense committed before the person turned 18 years of age eligible for parole after serving 25 years of the sentence.
2. Applies the above provision to a person serving on the general effective date, regardless of whether the offense was committed on or after January 1, 1994.
3. Requires a person granted parole under the above provision to remain on parole for the remainder of the person's life except that the parole may be revoked.
4. Requires the Board, before granting parole as specified above, to find that there is a substantial probability that society will be adequately protected, in addition to the other requirements.
5. Requires ADC to assign such a person to a GPS monitoring system.

Pardons

6. Prohibits a person who is otherwise eligible for pardon and who is denied a pardon recommendation from petitioning or being considered for a pardon by the Board for a period of five years following the date of denial, subject to current requirements.
7. Permits the Board to lengthen the period, as specified under current law.
8. Applies the pardon requirements to offenses committed on or after January 1, 2016.

Miscellaneous

9. Makes conforming changes.
10. Becomes effective on the general effective date.

AW/rf